

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing, is Attached)

Name of Offender: Bobby Joe Griffin

Case Number: 2:03CR00014-001

Name of Sentencing Judicial Officer: Honorable T. John Ward, U.S. District Judge

Date of Original Sentence: June 22, 2004

Original Offense: Use of a Facility of Interstate Commerce to Entice a Minor to Engage in
Sexual Activity and Receipt of Child Pornography

Original Sentence: 92 Months Imprisonment followed by a 3-Year Term of Supervised
Release

Type of Supervision: Supervised Release Date Supervision Commenced: December 31, 2009

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The offender shall reside in a community confinement center or community sanction center in the prerelease component for a period of up to 12 months, or until such time as the defendant is able to establish a residence at which time the U.S. Probation Office can release him from the facility, to commence immediately and to run consecutive with the previously imposed 180 day community corrections center placement. While at said facility, the defendant shall abide by all the rules and regulations of the center and will not be required to pay subsistence to the Community Corrections Center or Community Sanction Center.

CAUSE

As the Court may recall, Your Honor has had to modify the conditions of supervised release on two consecutive occasions to allow Mr. Griffin to be placed in a community corrections center each time for 180 days due to his lack of ability to gain and secure employment and a viable residence. Unfortunately, Mr. Griffin has not been able to establish a release residence and has agreed to remaining at the community corrections center for up to an additional 12 months.

Over the last twelve months, our office has assisted the community corrections center in attempts to aid Mr. Griffin secure gainful employment by passing along any employment leads as they appeared. In addition to these efforts, this officer has had several conversations with Mr. Griffin

regarding his inability to secure stable employment while at the same time offering encouragement. However, it appears that Mr. Griffin has not adhere to these efforts and has been able to gain only part time employment. Therefore, it is the probation office's position that the Court allow an Administrative Hearing conducted by U.S. Magistrate Judge John Love with the anticipation that Mr. Griffin will be afforded additional encouragement and motivation to secure full time employment in order to save sufficient funds to establish a release residence. Hence, it is respectfully recommended Your Honor allow U.S. Magistrate Judge John Love to conduct an Administrative Hearing in Tyler, Texas in order to address these items as well as any other issues that may arise during the hearing. As well, it is respectfully recommended Your Honor modify Mr. Griffin's conditions of supervised release to include a placement in a community corrections center for up to an additional 12 months, to commence immediately and run consecutive with the previously imposed 180 day community corrections center placement, in order to secure a residence.

Respectfully submitted:

Reviewed and approved:



Glenn Filla
U.S. Probation Officer
903-566-9790, ext. #228



Joe Heath, Supervising
U.S. Probation Officer

Date: December 16, 2010

THE COURT ORDERS:

- ☐ No Action
- ☐ The Modification of Conditions as Noted Above
- ☒ To Allow an Administrative Hearing conducted by Judge Love
- ☐ Other



T. John Ward
U.S. District Judge

12/20/10

Date

**UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TEXAS**

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

United States of America

v.

Criminal No. 2:03CR00014-001

Bobby Joe Griffin

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The offender shall reside in a community confinement center or community sanction center in the prerelease component for a period of up to 12 months, or until such time as the defendant is able to establish a residence at which time the U.S. Probation Office can release him from the facility, to commence immediately. While at said facility, the defendant shall abide by all the rules and regulations of the center and will not be required to pay subsistence to the Community Corrections Center or Community Sanction Center.

Witness: _____

U.S. Probation Officer

Signed: _____

Bobby Joe Griffin

Date: December 2, 2010